

**Notice of Allowability**

Application No.

10/603,512

Examiner

Victor X. Nguyen

Applicant(s)

JOHNSON ET AL.

Art Unit

3734

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment After Non-final on 7/20/2007.

2.  The allowed claim(s) is/are 1-26.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5.  Notice of Informal Patent Application

6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

7.  Examiner's Amendment/Comment

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

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### **EXAMINER'S COMMENT**

1. This Notice of Allowance is responsive to applicant's amendment filed 2/3/2006 and 7/20/2007. The amendment and arguments filed therein has overcome the rejections of claims 1-12 and 15-24, under 35 U.S.C. 112, first paragraph mailed 4/6/2007. Therefore, the rejection of the claims have been withdrawn. Furthermore, the terminal disclaimer is also acknowledged.

### **REASONS FOR ALLOWANCE**

2. The following is a statement of reasons for the indication of allowable subject matter:

The claims in the instant application have not been rejected using prior art because no references, or reasonable combination thereof, could be found which disclose or suggest an embolic extraction catheter comprising a porous filter membrane has a length less than the length of a plurality of struts, where a vascular filter has a smaller first diameter for insertion into the lumen and a second larger diameter for expanding to substantially equal diameter of the lumen and to be placed in a sealing relationship with the lumen, where a hub permanently attaches to a proximal end of a catheter, and where the hub further comprises a sideport and means for maintaining a seal on a guidewire, where the lumen of the hub is in fluid communication with the lumen of the catheter. As to claims 14-15 and 26, the prior art does not teach the invention including, the step of slidably inserting a flexible catheter over a guidewire, where the catheter comprises a perforation in a distal portion, where a vascular filter has a smaller first diameter for insertion into the lumen and a second larger diameter for expanding to substantially equal diameter of the lumen and to be placed in a sealing relationship with the lumen, where a hub permanently attaches to a proximal end of a catheter, and where the hub further comprises a sideport and means for maintaining a seal on a guidewire.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X. Nguyen whose telephone number is (571) 272-4699. The examiner can normally be reached on M-F (8-4.30 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victor X Nguyen  
Examiner  
Art Unit 3734



VN  
8/29/2007



MICHAEL J. HAYES  
SUPERVISORY PATENT EXAMINER